

**BOARD OF APPEALS  
for  
MONTGOMERY COUNTY**

**Stella B. Werner Council Office Building  
100 Maryland Avenue  
Rockville, Maryland 20850  
(240) 777-6600**

**WORKSESSION MINUTES**

**Second Floor Davidson Memorial Hearing Room**

**Wednesday, May 30, 2007, 9:30 a.m.**

**ACTION ITEMS:**

1. **Minutes**, May 16, 2007 Worksession.

Action: Approved, (CGT/DLB, 3-0/AIF/abstained).

2. **A-6127, Petition of Felix Manzanares and Angela Galvis** (accessory structure/swimming pool). Letter to the Board from John Barr, Esquire, withdrawing the variance request and requesting a refund of the filing fee.

Action: (1) Dismissed as withdrawn; (2) granted 50% (\$200.00) refund of the filing fee, (DLB/CLH, 4-0).

3. **A-6190, Appeal of Amanda Enterprises, LLC** (Department of Permitting Services – Notice of Violation). Status report to the Board regarding the proposed text amendment.

Action: Re-opened the record to include the status report, (CGT/CLH, 4-0).

4. **CBA-2830-A, Petition of Graciano P. Gancayco** (non-resident medical practitioner). Letters to the Board from H. M. Lynn Primo, Esquire, requesting an administrative modification.

Action: Item deferred for information from the Department of Permitting Services (DPS) about the scheduling of a Show Cause Hearing, consensus.

5. **S-274-C, Petition of Suburban Hospital, Inc.** (hospital). Letter to the Board from Barbara Sears, Esquire, and Erin Girard, Esquire, requesting an administrative modification. Also included is a letter from the Huntington Terrace Citizens Association.

Action: (1) Granted the administrative modification with the condition that the special exception holder monthly monitor the noise level of the air handler; (2) establishment of a community liaison committee, (DLB/CGT, 4-0).

6. **S-1904-A, Petition of Norman Roskin D.V.M.** (veterinary hospital). Motion for Reconsideration from Joseph Lynott, Esquire.

Action: (1) Granted the request for reconsideration; (2) decision on the reconsideration request will at the Board's next Worksession on 6/13/07, (DLB/CGT, 4-0).

7. **S-2588, Petition of Onkar Sharma and Rajesh Bhandari** (non-resident professional office). Inspection report from Barbara Piczak, Inspector, Department of Permitting Services (DPS).

Action: Re-opened the record to include the inspection report from Ms. Piczak, (DLB/CLH, 4-0).

8. **S-2629, Petition of Alan and Susan Dechter LLC** (non-resident medical practitioner). Letter to the Board from Stanley Abrams, Esquire, requesting an administrative modification. (Large exhibits: existing floor plans and proposed floor plans).

Action: Granted the administrative modification, (CGT/DLB, 4-0).

#### **DECISION ITEMS:**

9. **A-6193, Petition of Roy Glixon** (accessory structure/swimming pool). Hearing held 4/27/07.

Action: Denied variance request, (AIF/CLH, 4-0).

10. **CBA-1206-G, Petition of Congressional Country Club, Inc.** (golf and country club). Hearing Examiner's Report and Recommendation.

Action: Item deferred until the Board's next Worksession, consensus.

#### **PENDING ITEMS:**

11. **A-6114, Appeal of Newland Communities LLC and NNP II – Clarksburg LLC** (Department of Fire and Rescue Services – Notice of Violation dated September 20, 2005). Second Status Report from Todd Brown, Esquire. (1) Re-opened the record to include the Second Status Report from Todd Brown; (2) the Board will receive Status Reports on 1/15/07 and 4/1/07. [W/S 10/25/06]. (1) Re-opened the record to include the status report from Mr. Brown; (2) Mr. Brown to provide a status/progress report to BOA at its 5/2/07 Worksession. [2/28/07].

**PENDING ITEMS (continued):**

12. **A-6190, Appeal of Amanda Enterprises, LLC** (Department of Permitting Services – Notice of Violation dated November 13, 2006 and Use and Occupancy Certificate No. 250849). BOA to receive a status report from the appellant by 6/15/07. [Pre-hearing Conference on 3/14/07].
13. **CBA-470-A, Petition of Kensington Nursery School** (private educational institution). Item deferred for the site plan required in Condition No. 3 of the Hearing Examiner's Report and Recommendation. [W/S 5-31-06]. (1) Re-opened the record to include Mr. Smith's letter; (2) record will remain open until 5/15/07 to receive the required site plan; (3) administrative modification will be dismissed upon non-receipt of the required site plan after 5/17/07. [W/S 4/18/07].
14. **S-232, Petition of R. P. Patton & Sons, Inc.** (horticultural nursery and commercial greenhouse). Letter to the Board from Melvin Laney requesting an inspection of the special exception and a public hearing. (1) Re-opened the record to include the letter from Mr. Laney; (2) Board to request DPS to inspect the special exception and provide the Board with an inspection report. [W/S 4/18/07].
15. **S-390, Petition of Twin Farms Club, Inc.** (community swimming pool). Letter to the Board from Teresa A. McKenna, President, requesting an administrative modification. (Large exhibit: site and grading plan). (1) Item deferred for receipt of a site plan with the existing conditions; (2) item referred to M-NCPPC Technical Staff for review of administrative modification request. [W/S 2/18/04].
16. **S-671, Petition of Randolph Associates** (off-street parking). Letter from Ronald Bolt, Esquire, notifying the Board of the change in zoning for the special exception and requesting a transfer of the special exception. (1) Granted the transfer of the special exception; (2) Board to be notified by the petitioner by 6/10/07 that all violations have been abated; (3) DPS to inspect to determine if a Show Cause Hearing will be required. [W/S 4/18/07].
17. **S-2328, Petition of Judith Himmelfarb** (accessory apartment). Letter to the Board from Ariel De notifying the Board that the special exception has been abandoned and requesting that it be revoked. Item deferred until confirmation that the accessory apartment's kitchen has been removed. [W/S 7/26/06].

**Board Members**

Allison Ishihara Fultz, Chair  
Donna L. Barron, Vice Chair  
Wendell M. Holloway - ABSENT  
Caryn L. Hines  
Catherine G. Titus

**Staff**

Barbara Jay, Associate County Attorney  
Katherine Freeman, Executive Director  
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**WORKSESSION ADDENDUM MINUTES**

**Second Floor Davidson Memorial Hearing Room**

**Wednesday, May 30, 2007, 9:30 a.m.**

**ACTION ITEM:**

1. **Order Extending Time for the Board's Written Opinion** for 30 days is required in the following cases:
  - (a) **A-6143, Appeal of Mahdi Iman Huschmand** (Department of Permitting Services Notice of Violation). Hearing held 2/21/07.
  - (b) **S-1471-A, Petition of Power Fuel, and Transport, Real Estate Holding Company (MD), LLC**. Hearing on remand held 2/21/07.

Action: Granted Order Extending Time, (DLB/CLH, 4-0).

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